

Exhibit 5

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION: MIDDLESEX COUNTY
3 DOCKET NO.: MID-L-0932-17 AS

-----x
3 IN RE: ASBESTOS LITIGATION
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4 DAVID CHARLES ETHERIDGE and
5 DARLENE PASTORE ETHERIDGE,

6 Plaintiffs,

7 -against-

8 BRENNTAG NORTH AMERICA, INC.
9 (sued individually and as
successor-in-interest to MINERAL
10 PIGMENT SOLUTIONS, INC. and as
successor-in-interest to WHITTAKER
CLARK & DANIELS, INC.), et al.,

11 Defendants.

12 SUPERIOR COURT OF NEW JERSEY
13 LAW DIVISION: MIDDLESEX COUNTY
14 DOCKET NO. MID-L-7249-16 AS

15 RONALD MARTIN TEUSCHER and
16 SHANNON TEUSCHER,

17 Plaintiffs,

18 -against-

19 BRENNTAG NORTH AMERICA, INC., et al.,

20 Defendants.

21 DEPOSITION OF

22 JACQUELINE MOLINE, M.D.

23 JOB NO. 2823326
24 PRIORITY-ONE COURT REPORTING SERVICES, INC.
25 290 West Mount Pleasant Avenue, Suite 2260
Livingston, New Jersey 07039
(718) 983-1234

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1 up-to-date listing of the cases in which you've 2 appeared than -- what I have marked here as Exhibit 3 8 only runs through December of 2016. 4 Do you have a more -- 5 A Yes. 6 MR. HYNES: I'd like to ask that that 7 be produced. 8 Q If you know, do you know how current 9 that more up-to-date listing is? 10 A I do not know how current it is, but it 11 should be within the past couple of months, if not 12 even up to date. 13 Q And do you know whether that goes 14 beyond -- do you know whether the Herford case, in 15 which you appeared, whether that is included in the 16 more up-to-date listing? 17 A It's kept by my assistant, so I would 18 assume that the Herford case would be listed, since 19 it occurred in 2017. I don't recall seeing it. 20 Q Okay. 21 A So I can't speak specifically, but I have 22 no reason to think that it would not be present on 23 there. 24 Q And the Herford -- your trial 25 appearance in Herford occurred in October 2017,	26 1 and deposition testimony list. 2 MS. KAGAN: To the extent that it 3 exists we'll produce it. 4 MR. HYNES: Thank you. 5 Q Let's just talk a little bit about the 6 Etheridge and Teuscher cases. 7 Have you ever spoken with, let's start with 8 Mr. Etheridge, have you ever spoken with Mr. 9 Etheridge? 10 A I have not. 11 Q Have you ever spoken with any of his 12 treating physicians? 13 A No. 14 Q And you never obtained an exposure 15 history from Mr. Etheridge before you rendered your 16 opinions in your report in this matter; is that 17 right? 18 A I did not. 19 Q And you've never spoken with any of 20 Mr. Etheridge's family members before offering your 21 opinions in his matter, correct? 22 A Correct. 23 Q Okay. And same questions for Mr. 24 Teuscher, you never spoke with Mr. Teuscher before 25 rendering your opinions in the Teuscher case,
27 1 true? 2 A Yes. 3 Q Have you appeared at trial in any 4 cosmetic talcum related cases since the Herford 5 matter? 6 A In a trial? 7 Q A trial setting? 8 A I am not sure. I -- I don't remember one 9 way or another. I would have to look at the 10 listing. 11 Q Okay. And have you appeared in any 12 depositions in which there are allegations of 13 exposure to cosmetic talcum powder containing 14 asbestos since your appearance in Herford in October 15 of 2017? 16 A I think there have been a couple of 17 depositions since then. 18 Q Do you know how many? 19 A I think there have been a couple. I think 20 there have been about two or three. Again, I -- 21 once they're passed, they're passed and I move on to 22 what I need to do the next day. 23 Q Understood. 24 MR. HYNES: Leah, again, we put on the 25 record a request for a more up-to-date trial	27 1 correct? 2 A Correct. 3 Q And you've never spoken with any of 4 Mr. Teuscher's treating physicians, correct? 5 A Correct. 6 Q And you've -- you didn't obtain an 7 exposure history from Mr. Teuscher before rendering 8 your opinions in this case, correct? 9 A Correct. 10 Q And you've never spoken with any of 11 Mr. Teuscher's family members before rendering your 12 opinions in this case, correct? 13 A Correct. 14 Q And you've never -- you were not 15 either Mr. Teuscher's or Mr. Etheridge's treating 16 physician, correct? 17 A Correct. 18 Q Okay. Just run through this quickly. 19 So, Dr. Moline, you've been testifying in 20 asbestos-related litigation since about 1996, 21 correct? 22 A Thereabouts. 23 Q A little over twenty years? 24 MS. KAGAN: Counsel, she's been 25 deposed hundreds of times and these are

1 questions that your client has asked and your 2 law firm has asked, so let's move on or we'll 3 be here all night. 4 A If you'd like to do the math, yes, it is 5 slightly over twenty years. 6 Q Okay. And it's still true that you 7 average between 250,000 and 300,000 per year working 8 on asbestos-related matters in litigation? 9 A That number was a more recent number and 10 that has not been a number over the past twenty 11 years, so it's not an average. 12 Q But currently that is the -- that's 13 your -- say between February 2017 and February 2018, 14 you've made between 250,000 and 300,000 working on 15 asbestos-related litigation matters? 16 A It might be a little higher than that. I 17 don't have the exact numbers yet. 18 Q Okay. And is that still reflective of 19 about 35 percent of your current personal income 20 derived from reviewing records and writing expert 21 reports and appearing for testimony for plaintiffs 22 in asbestos litigation? 23 MS. KAGAN: Compound. 24 A It's related to work that I do with respect 25 to litigation.	30 1 am amassing information related to individuals I've 2 seen with cosmetic talc. 3 Q Let's take those separately. The case 4 report that you're working on with one of your 5 students -- 6 A I'm -- it's -- I'm not at liberty to 7 discuss it. It's intellectual property and it's not 8 related to this litigation. I'm not discussing the 9 case. 10 Q Is it related to cosmetic talcum 11 powder? 12 A It is not. 13 Q Okay. The second group you're 14 compiling information about, individuals who have 15 alleged exposure to cosmetic talcum powder? 16 MS. KAGAN: Mischaracterizes. 17 Argumentative. 18 Q Tell me about this information 19 gathering that you're doing? 20 MS. KAGAN: Overbroad. Privilege. 21 A I'm in the process of thinking about how I 22 might write an article related to individuals with 23 exposure to cosmetic talc. 24 Q And you've previously testified that 25 you've evaluated 41 individuals with mesothelioma
31 1 Q In asbestos litigation, correct? 2 A In asbestos litigation. 3 Q And I haven't had a chance to run 4 through the most recent CV, but it's still true that 5 you've published a little bit over fifty articles 6 over the course of your career? 7 A It might be closer to sixty by now, but I 8 haven't counted. 9 Q And none of your published 10 peer-reviewed articles discuss cosmetic talc as a 11 potential source of asbestos exposure, correct? 12 A Correct. 13 Q I think only two of your publications 14 are related to mesothelioma specifically, correct? 15 A Correct. 16 Q And neither of those two articles have 17 anything to do with cosmetic talc, correct? 18 A Correct. 19 Q And do you have any draft publications 20 forthcoming at this point in time? 21 A With respect to what? 22 Q Are you publishing anything related to 23 either mesothelioma or asbestos currently? 24 A I am working with a medical student on a 25 case report of an individual with mesothelioma and I	31 1 who were exposed to cosmetic talcum powder, correct? 2 A As of October, yes. 3 Q Has that number grown? 4 A Yes. 5 Q What is the current number? 6 A I don't know. I haven't counted, but there 7 have been additional individuals. 8 Q More than five, less than five? 9 A It's probably more than five. It's 10 probably somewhere between five and ten. 11 Q Okay. And are each of these 12 individuals people who've been referred to you in 13 the context of litigation? 14 A Yes. 15 Q And are each of these people alleging 16 only talcum powder exposure or are there other 17 exposures alleged? 18 MS. KAGAN: Overbroad. Are you asking 19 about the individual cases that she's reviewed 20 since the October testimony -- 21 MR. HYNES: The combined group. 22 MS. KAGAN: -- or all of them? 23 A Everyone has a different exposure history. 24 Some of them may have solely cosmetic talc exposure, 25 other folks have multiple exposures.

1 MS. KAGAN: Argumentative. 2 Mischaracterizes. Asked and answered. 3 A There are different levels, some of them 4 are remarkably consistent in terms of bulk 5 percentage, and so some have found some fibers, some 6 have used methodology that finds only one type of 7 fiber, because the methodology is specific to only 8 one type of fiber, so they will, by definition, not 9 be able to find other fibers based on the 10 methodology they're using, so it's taking all of the 11 information together. 12 Q And do you contend that that body of 13 information that you just described for testing of 14 talc allows you to conclude that there is a specific 15 concentration of asbestos in all cosmetic talcs? 16 MS. KAGAN: Mischaracterizes. 17 Argumentative. Asked and answered. 18 A It's consistent between multiple samples, 19 but I can't go beyond that. 20 Q So it is not your opinion that there's 21 a consistent amount of asbestos contamination in all 22 cosmetic talc; is that true? 23 MS. KAGAN: Mischaracterizes. You 24 know that's not what she just said. This is 25 harassing.	214 1 A They have found different levels of 2 contamination at different times by different 3 investigators looking at different fibers, so it has 4 not all been uniform, but it has been found. 5 MR. MASAITIS: Thank you. 6 MS. KAGAN: Anyone else? Great. This 7 concludes the deposition of Dr. Moline in the 8 Etheridge and Teuscher matters. 9 (Time noted is 3:48 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
215 1 A There's been various testing that's found 2 asbestos at different levels by numerous different 3 scientists. Some of them have been remarkably 4 similar in their findings, which is I believe what I 5 said, and with respect to -- and it's been found by 6 different scientists using different methodologies 7 over different time periods that are relevant for 8 the use in these cases, and that was what I was 9 referring to in my answer. I wasn't going beyond 10 that, which is -- 11 Q And there -- 12 A Excuse me, I'm not done. And that is the 13 extent to which I was answering the question. I 14 wasn't going beyond to make grand pronouncements as 15 you're conflating the words that I have been using. 16 Q Well, you just said you don't intend 17 to go beyond that, and my question was merely meant 18 to clarify that you indeed do not intend to go 19 beyond that. 20 In other words, you do not intend to say 21 that there is a specific concentration of asbestos 22 in all cosmetic talc, that was the extent of my 23 question? 24 MS. KAGAN: Asked and answered. 25 Argumentative.	215 1 A There's been various testing that's found 2 asbestos at different levels by numerous different 3 scientists. Some of them have been remarkably 4 similar in their findings, which is I believe what I 5 said, and with respect to -- and it's been found by 6 different scientists using different methodologies 7 over different time periods that are relevant for 8 the use in these cases, and that was what I was 9 referring to in my answer. I wasn't going beyond 10 that, which is -- 11 Q And there -- 12 A Excuse me, I'm not done. And that is the 13 extent to which I was answering the question. I 14 wasn't going beyond to make grand pronouncements as 15 you're conflating the words that I have been using. 16 Q Well, you just said you don't intend 17 to go beyond that, and my question was merely meant 18 to clarify that you indeed do not intend to go 19 beyond that. 20 In other words, you do not intend to say 21 that there is a specific concentration of asbestos 22 in all cosmetic talc, that was the extent of my 23 question? 24 MS. KAGAN: Asked and answered. 25 Argumentative.